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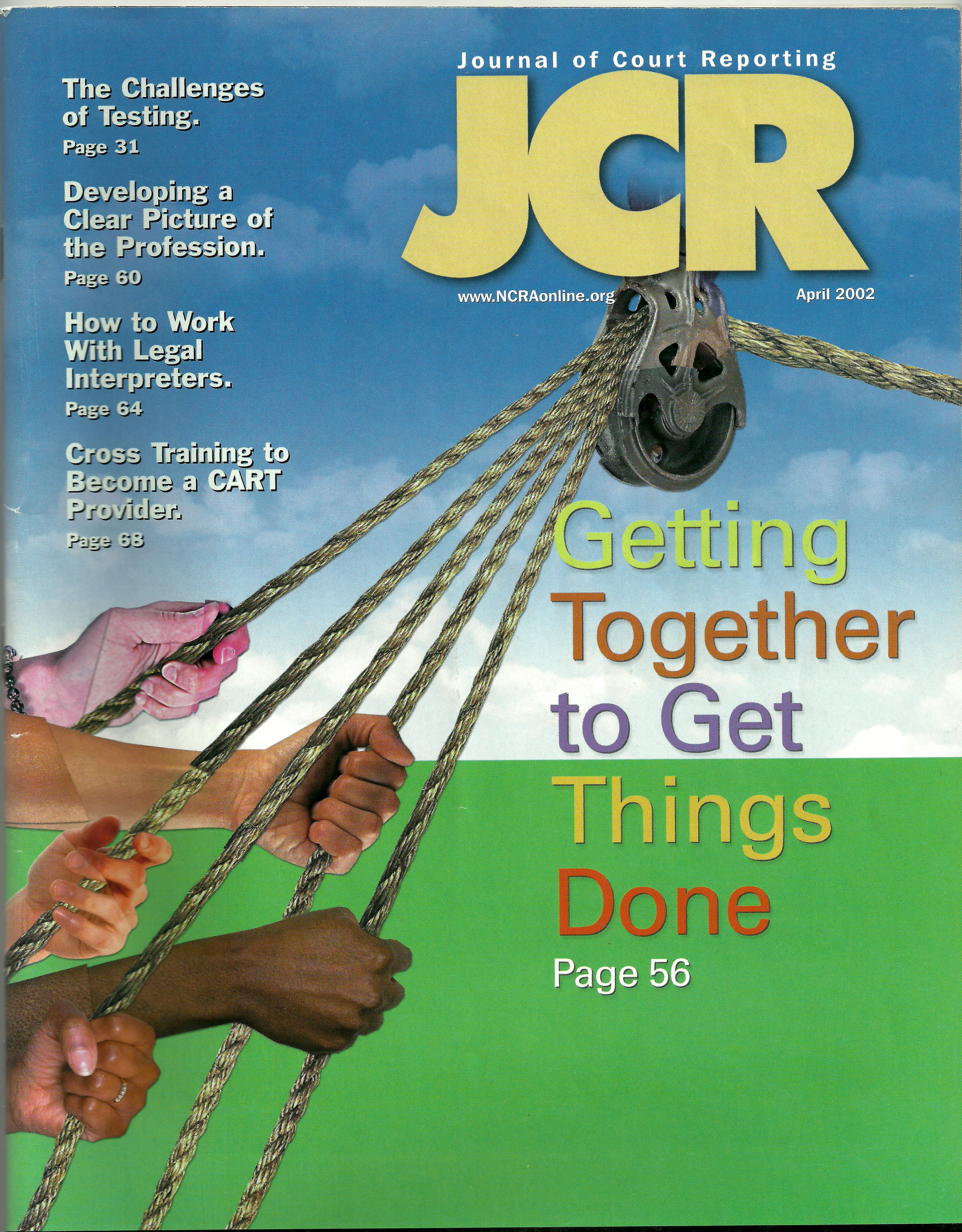
The Challenges of Testing.
Page 31

Developing a Clear Picture of the Profession.
Page 60

How to Work With Legal Interpreters.
Page 64

Cross Training to Become a CART Provider.
Page 68



Getting Together to Get Things Done

Page 56

Building Speed Pages 38 and 43 ■ **CEU Corner** Page 38

BY DIANE E. TEICHMAN

The New Experience of Working

Do you need to find a qualified legal interpreter? Here are some variables to consider.

It feels good to be the bearer of good news. Whether your firm regularly receives requests for interpreters or if you are just now seeing it grow, the good news is: There are more professionally trained interpreters available, and they are easier to find and qualify than ever before.

And the news gets better. The availability of interpreter training specializing in legal proceedings allows the court reporting profession to hold interpreters to high standards. Interpreters now enjoy access to education in formats ranging from long-distance training seminars to the first university degree program in interpretation.

Professional associations of interpreters and translators are on the rise, and they encourage skill development through specific education. The expertise among their members attracts requests for participation in the development of certification programs and national standards assessment. There is an effort to educate attorneys, the judicial system, medical professionals and even the insurance industry on the procedures of working with interpreters.

Before this much training was available to us, interpreter qualifying procedures were haphazard. Seasoned reporters will tell you nightmare stories of working with incompetent interpreters. Anyone claiming to be bilingual could get hired as an interpreter, with no training, credentials or experience. Even getting an interpreter to submit a résumé was rare. Reporters suffered through poor English, paraphrasing of responses, omissions, additions and even private conversations between the interpreter and witness that were never interpreted.

Back in 1979, when I specialized in this field, I gained knowledge of the correct procedure of legal interpreting by learning and applying the procedures required of court reporters and lawyers. I joined the local court reporters association, and I studied the civil and criminal rules of procedure. Since then, I have trained other freelance interpreters while lecturing and writing articles on this subject ("How to Work With Interpreters," *JCR*, August–October 1996). By joining professional interpretation and translation associations, I found legal interpreters dedicated to providing high-quality service and eager for training. Today I am faced with the same task you have, since I subcontract interpreters for my clients for languages I don't speak.

Finding a Qualified Interpreter

Recognizing a qualified interpreter begins with understanding our profession.

Interpreting is a skill, not a birthright. A bilingual person is not inherently an interpreter. Just like a typist is not a court reporter, interpreters are not necessarily all from foreign countries. Interpreting requires immense vocabulary and memory skills to be able to repeat verbatim the exact words of any speaker, no matter the topic. If we work in a simultaneous mode, we are interpreting as the speaker is speaking at a rate of one-half to two words behind. If we are in consecutive mode we have to retain word for word what the speaker says until the speaker is finished. We even have our own notetaking styles.

A translator is not an interpreter. Interpretation is the spoken word. Translation is the written word. These are two distinct professions requiring distinct skills. Translators rely on dictionaries and computer software while they work. Consider the difference between conversational communication and written text, and you'll see why many translators won't interpret and many interpreters won't translate.

This skill takes training. Sadly, the word is out that a person claiming to be an interpreter can get a job (and the pay) as an interpreter without any training in this skill. Happily, even the U.S. government is including policies that require proof of training before providing interpretation services for federally funded agencies.

There are four distinct fields — medical, legal, conference and community interpreting. The methods and procedures of these other fields contrast dangerously with those required of legal interpreting, such as substituting the words of the speaker to relying on a prepared text. The court reporting profession works with legal interpreters. We begin our work by being put under oath to interpret truthfully and accurately. Our words must be the verbatim wording of the question and the answer, so we

About the Author

Diane Teichman is president of Linguistic Services, a foreign language services company based in Houston, Texas. A two-term administrator of the Interpreters Division of the American Translators Association and the editor of the Interpretation Series *for the publishing house Multilingual Matters, she has lectured and published many articles about the legal interpretation profession. She can be reached at Speakeasy@pdq.net or www.linguisticworld.com.*

With Interpreters

From left to right, attorney Don Griffin, court reporter Craig Bechtel, interpreter Diane Teichman and the witness.

must have the widest range of terminology skills. Because we present testimony, we are subject to the penalties of perjury. We are held to all the standards of professional conduct promulgated by the judiciary, whether avoiding the appearance of impropriety or proper dress and demeanor.

Qualifications You Can Count On

A qualified interpreter will have a résumé with credentials that reflect training and experience in the legal field. Mirroring your work, the scale of difficulty for legal interpreters begins with sworn statements and culminates in trials. If you call an agency, ask for résumés for the individual interpreters. Insist on legal interpreters, and ask that they not substitute interpreters not yet approved by you.

When you review a résumé, look for membership in professional associations like the American Translators Association and the National Association of Judicial Interpreters and Translators. Assignment references should be verified with the scheduling attorney.

The term "certified" can be granted by different sources. It is advisable to verify the source, terms and the scope of the certification. Federal court certification for interpreters is offered by the Administrative Office of the United States Courts and only applies to lawsuits in which the U.S. government is a party. The Spanish version of this exam is presently being redesigned by the National Center for State Courts. While federal certification demonstrates a dedication to the profession, many highly qualified interpreters have disagreed with the content of the exam and have not sought the title.

Work continues on the development of a uniform national exam based on recognized standards. The Consortium for State Court Interpreter Certification, developed by NCSC, now has 24 member states that participate in the establishment of test development and administration standards for the implementation of certification programs. Tests exist for Spanish, Russian, Creole, Haitian, Korean, Hmong and Vietnamese.

Where to Look?

Most interpreting associations offer directories of their members. The phone book now boasts both freelancers and agencies. The American Translators Association offers an online directory of members in 52 nations worldwide that includes experience, certifications and a geographic locator at www.americantranslators.org/tsd_listings/.

Team Building

Just as you would prequalify a new reporter, have your office qualify the interpreter before scheduling him or her. Call the interpreter yourself to verify English proficiency and professional demeanor. Find out whether you or the client law firm will be invoiced and learn the billing terms, minimums and scheduling/cancellation requirements. Build a rolodex of names with qualifications, but don't limit your selection to one freelancer.

On-the-Scene-Tips

Ask the interpreter to provide a list of spellings of names of people and places in the target language that are offered as testimony. It helps you if the interpreter identifies the topic and then provides the spelling, such as:

Brother's name: Rogelio Montemayor

Birthplace of witness: Villahermosa, Tabasco, Mexico

Have the interpreter sit between you and the witness. The interpreter is sworn in first with our own oath and then interprets the witness's oath. Any person who is there to check the interpreter's work should also be put under oath to interpret truthfully and accurately.

Since we interpret verbatim, the limited English-speaking witness needs to be instructed to not gesture, nod or shake his or her head, but to provide a verbal response. Either you or the attorney can so instruct the witness through the interpreter.

Consider your preference: working with simultaneous interpreting (one-half to two words behind the speaker) or consecutive interpreting (initiated when the speaker pauses). Having the question (in English) interpreted simultaneously and the response interpreted consecutively is considered the most efficient procedure for both courtroom and discovery settings. If simultaneous interpreting distracts you, ask the interpreter to use a transmitter and headset. If the interpreter does not have this equipment, he or she should be able to lean into the witness or speak in such a low volume as to not be heard by you.

The performance of a qualified interpreter will meld smoothly with your own skilled work resulting in an enjoyable and efficient partnership. ■